

EXHIBIT “B”

LAW DEPARTMENT
NATIONAL TORT CENTER



VIA CERTIFIED MAIL NO. 7021 2720 0001 5477 7158
RETURN RECEIPT REQUESTED

June 8, 2023

Mr. Jared Jacobs
Shiver Hamilton Campbell
3490 Piedmont Road, NE, Suite 640
Atlanta, GA 30305

Re: Claimant: Gabrielle Dierkes
Date of Incident: November 3, 2020
NTC File No.: NT202255880

Dear Mr. Jacobs:

This is in reference to the administrative claim you filed on behalf of your above-referenced client under the provisions of the Federal Tort Claims Act because of injuries allegedly sustained on November 3, 2020.

In considering the claim, we evaluated the information available to us regarding your client's alleged damages. However, the amount of money you are demanding exceeds the value the Postal Service places on this case. Accordingly, the above-referenced administrative claim is denied on the grounds that we were not able to reach a mutually satisfactory settlement of this claim.

In accordance with 28 U.S.C. § 2401(b) and 39 C.F.R. 912.9(a), if your client is dissatisfied with the Postal Service's final denial of an administrative claim, the claimant may file suit in a United States District Court no later than six (6) months after the date the Postal Service mails the notice of that final action. Accordingly, any suit filed regarding this denial must be filed no later than six (6) months from the date of the mailing of this letter, which is the date shown above. Further, note the United States of America is the only proper defendant in a civil action brought pursuant to the Federal Tort Claims Act and such suit may be heard only by a federal district court.

Alternatively, and in accordance with the regulations set out at 39 C.F.R. 912.9(b), prior to the commencement of suit and prior to the expiration of the six (6) month period provided in 28 U.S.C. § 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request for reconsideration with the postal official who issued the final denial of the claim. Upon the timely filing of a request for

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reconsideration, the Postal Service shall have six (6) months from the date of filing in which to make a disposition of the claim and the claimant's option under 28 U.S.C. § 2675(a) shall not accrue until six (6) months after the filing of the request for reconsideration.

A request for reconsideration of a final denial of a claim shall be deemed to have been filed when received in this office.

Nothing in this letter should be construed to limit or waive any defenses which may be available to the United States should litigation ensue.

Sincerely,

A handwritten signature in black ink, appearing to be 'D Kupper', with a long horizontal stroke extending to the right.

David Kupper
Attorney

cc: Lillian Marshall
Tort Claim Coordinator
Case No. 300-21-00500953B